

The Law Offices of Avrum J. Rosen, PLLC  
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Avrum J. Rosen  
Fred S. Kantrow

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

699 MERRICK ROAD REALTY, LLC,

Chapter 11  
Case No.: 11-71229

Debtor.

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**DEBTOR'S AFFIDAVIT PURSUANT TO LOCAL RULE 1007-3**

STATE OF NEW YORK     )  
                                  )ss.:  
COUNTY OF SUFFOLK    )

Dominick Cusuman, being duly sworn, deposes and says as follows:

1.     I am a member of 699 MERRICK ROAD REALTY, LLC, and make this Affidavit pursuant to Local Bankruptcy Rule 1007-3. 699 MERRICK ROAD REALTY, LLC, ("Debtor"), is a New York limited liability corporation and is engaged in the ownership and leasing of the commercial real property located at 699 Merrick Road, Lynbrook, New York. The Debtor's offices are located at 12 Wilbur Street, Lynbrook, New York 11563.

2.     The Debtor's current problems arose as a result of the general downturn in the economy. The Debtor leases the commercial space at the 699 Merrick Road location to various commercial tenants. One of its largest tenants, a former pharmacy, sold its prescription services to a national chain. As a result, the pharmacy closed its doors. The Debtor has not yet been able to replace the tenant and its rent roll suffered as a direct result thereof.

3.     This case was originally commenced under Chapter 11 of Title 11 of the United States Bankruptcy Code and no Trustee has been appointed. There has been no pre-petition

creditors' committee. Annexed hereto as Exhibit "A" is a list of the 20 largest unsecured claims excluding insiders, including the name, address and the amount of the claim, and an indication of whether such claims are contingent, unliquidated, disputed or partially secured. Annexed hereto as Exhibit "B" is a list of the secured creditors.

4. The Debtor's assets consist of its commercial property, some fixtures attached thereto, and the leases. The Debtor's total liabilities at this point are approximately \$ .

5. At the present time, pursuant to an Order of the State Court, a receiver of rents was put in place. The receiver may be in possession of rents. In addition, pursuant to an Order of the State Court, the Debtor's members were directed to turnover the sum of \$25,000.00 which amount was placed in escrow with the Debtor's State Court counsel acting as the escrow agent. Debtor's State Court counsel is awaiting the entry of an Order directing that she may return the escrowed funds to the Debtor's members as the funds did not originate with the Debtor. To the extent that the receiver is in possession of any estate property, demand shall be made for him to immediately turnover said property to the Debtor.

6. The Debtor's substantial assets are located at the 699 Merrick Road location. Currently, its books and records are located at its principal office location at 12 Wilbur Street. The Debtor does not have any assets outside the territorial limits of the United States.

7. Dominick Cusumano is a member of the Debtor and has been since the inception of the limited liability corporation in 2004.

8. The Debtor has (2) employees, however, the amount may vary depending on seasonal needs. The Debtor's monthly payroll, inclusive of payroll taxes, is approximately \$1,000. There is no compensation for officer's salary.

9. It is estimated that the expenses for the 30 day period following the bankruptcy

petition will be approximately \$20,000.00 and that receipts will be approximately \$21,000.00.

S/Dominick Cusumano

Dominick Cusumano

Member

Sworn to before me this

2nd day of March, 2011

S/Fred S. Kantrow

Notary Public State of New York

Qualified in Suffolk County

No. 02KA6108402

Comm. Exp. 4/19/2012